

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHARLES C. ASHFORD,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-20-316-F
)	
SCOTT CROW, Director,)	
)	
Respondent.)	

ORDER

Petitioner, Charles C. Ashford, a state prisoner appearing *pro se*, commenced this matter by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to United States Magistrate Judge Gary M. Purcell in accordance with 28 U.S.C. § 636. On April 23, 2020, Magistrate Judge Purcell issued a Report and Recommendation, recommending that the § 2241 petition be dismissed.


Presently before the court is petitioner's timely objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court finds no error in the findings and conclusions of Magistrate Judge Purcell with respect to petitioner's petition. The court finds no need to repeat those findings and conclusions here. The court finds petitioner's arguments to be without merit. Further, the court finds that no evidentiary hearing is required because nothing in the record indicates that petitioner is entitled to any relief. Stouffer v. Workman, 348 Fed. Appx. 401, 405 (10th Cir. 2009) (unpublished decision cited as persuasive

pursuant to 10th Cir. R. 32.1(A)). Defendant's request for an evidentiary hearing is therefore denied. The court accepts, adopts and affirms the Report and Recommendation in its entirety. Consequently, petitioner's § 2241 petition shall be dismissed.

A state prisoner must obtain a certificate of appealability to appeal the dismissal of a habeas petition filed pursuant to § 2241, whenever the detention complained of in the petition arises out of process issued by a state court. *See, Montez v. McKinna*, 208 F.3d 862, 867 (10th Cir. 2000). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To satisfy this standard, the applicant must demonstrate that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). Upon review, the court finds that petitioner cannot satisfy this standard. Therefore, the court denies a certificate of appealability.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on April 23, 2020 (doc. no. 7) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Petitioner, Charles C. Ashford's request for an evidentiary hearing is **DENIED**. The Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (doc. no. 1), is **DISMISSED**. A certificate of appealability is **DENIED**.

IT IS SO ORDERED this 15th day of May, 2020.


 STEPHEN P. FRIOT
 UNITED STATES DISTRICT JUDGE